

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

PEARL E. LUCAS, individually
and derivatively on behalf of
COMMERCE BANCORP, INC.

Plaintiff,

v.

VERNON W. HILL, II, et al.,

Defendants.

SHEETMETAL WORKERS'
NATIONAL PENSION FUND,
derivatively on behalf of COMMERCE
BANCORP, INC.

Plaintiff,

v.

VERNON W. HILL, II, et al.,

Defendants.

S.L. LERNER, individually
and derivatively on behalf of
COMMERCE BANCORP, INC.

Plaintiff,

Civil No. 07-0349 (RBK)

Civil No. 07-2269 (RBK)

Civil No. 07-3295 (RBK)

v.	:	
	:	
VERNON W. HILL, II, et al.,	:	
	:	
Defendants.	:	AMENDED ORDER
_____	:	

THIS MATTER having come before the Court upon application for temporary restraining order and request for expedited discovery (Docket Entry No. 14) by plaintiff Sheetmetal Workers' National Pension Fund ("Plaintiff"); and the Court having reviewed the moving papers and the arguments of counsel placed on the record on September 6, 2007; and for the reasons expressed on the record that date;

IT IS HEREBY **ORDERED** that Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause is **DENIED** without prejudice.

IT IS FURTHER **ORDERED** that Plaintiff's request for an Order Permitting Expedited Discovery is **DENIED** without prejudice.

IT IS FURTHER **ORDERED** that Civil Action No. 07-0349, Civil Action No. 07-2269, and Civil Action No. 07-3295 be consolidated for discovery purposes only at this time; and

IT IS FURTHER **ORDERED** that counsel for Defendant Commerce Bancorp, Inc. notify the Court when the Gibbons Law Firm makes its report ("Report") to the Special Litigation Committee; and

IT IS FURTHER **ORDERED** that all proceedings before this Court relating to Civil Action No. 07-0349, Civil Action No. 07-2269, and Civil Action No. 07-3295 shall be stayed pending the issuance of the Report; and

IT IS FURTHER **ORDERED** that Plaintiffs' counsel meet and attempt to agree on lead counsel. If within thirty (30) days no agreement is reached, counsel shall make application to the

Court for appointment of lead counsel.

Dated: September 24, 2007

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge